

REMARKS

Favorable consideration and allowance are respectfully requested for claims 1 and 3-17 in view of the foregoing amendments and the following remarks.

Prior to entry of the present Reply, claims 1 and 2 were pending in the application. Claim 2 is canceled herein. New claims 3-17 are added herein.

Claims 1 and 2 are provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 23 and 24 of copending Application No. 10/390,771.

Claims 1 and 2 are rejected under 35 U.S.C. §102(e) as being anticipated by Shiraishi et al. (US 6,530,361).

With respect to the rejection of claim 1 based on §101, Applicants submit that the rejection of claim 1 is inappropriate, because claim 23 of copending Application No. 10/390,771 has already been canceled by an Amendment filed August 15, 2005.

With regard to the provisional rejection of claim 2 based on §101, Applicants cancel claim 2 in the present Reply. Accordingly, the provisional rejection of claim 2 is hereby rendered moot.

Regarding the rejection based on Shiraishi, Applicants submit that Shiraishi fails to teach or suggest all of the limitations of independent claim 1 of the present application. In particular, Shiraishi does not disclose the claimed controlling step of method claim 1, which recites:

controlling the combustion state by allowing a variable valve mechanism of the cylinder to increase or decrease a minus overlap amount so as to increase or decrease an amount of internal EGR, if at least either one of the following conditions is estimated, the conditions being that the peak value of the cylinder pressure of at least one cylinder of all the plurality of cylinders is lower or higher than a predetermined value, and that the peak timing of the cylinder pressure is retarded or advanced in relation to predetermined timing.

Specifically, Shiraishi fails to teach or suggest the features of controlling the combustion state ... if at least either one of the following conditions is estimated, the conditions being that the peak value of the cylinder pressure of at least one cylinder of all the plurality of cylinders is lower or higher than a predetermined value, and that the peak timing of the cylinder pressure is retarded or advanced in relation to predetermined timing. Shiraishi does not disclose estimating the conditions claimed in claim 1, or controlling the combustion state based upon an estimation of these conditions. Therefore, Applicants submit that claim 1 is not anticipated by Shiraishi.

Claims 3-17 are added to further define certain aspects of the present invention. Claims 3-4 are allowable due to their dependence from claim 1. Claims 5-17 are allowable for reasons analogous to those for claim 1.

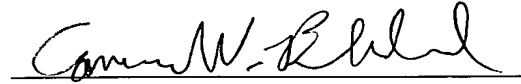
In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #056209.52219C1).

Respectfully submitted,

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